



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,815	06/28/2001	Bernd Burchard	56432-45107	4105
21874	7590	07/14/2005		EXAMINER
EDWARDS & ANGELL, LLP				DESIR, JEAN WICEL
P.O. BOX 55874			ART UNIT	PAPER NUMBER
BOSTON, MA 02205			2614	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/894,815	BURCHARD ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jean W. Désir	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 1/5/05, Amendment.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1,3-8 and 10-15 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,3-8 and 10-15 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 8, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evanicky et al (US 2004/0036708) in view of Kotha et al (US 6,219,040).

#### **Claim 1:**

Evanicky discloses:

“a first device which acts on a video signal with graphical picture elements and text characters to produce a first device output video signal”, see Fig. 10 item 730;

“a second device which converts a frame rate of the first device output video signal to produce an increased frame rate video signal”, see Fig. 10 items FRAME RATE MODULATOR, FRAME RATE CONTROLLER;

“a picture storage device [operatively connected to] accessed by the first and second devices during processing of the video signal and first device output video signal, respectively, for storing and retrieving picture data for the first and second devices”, see Fig. 1 items DATA STORAGE DEVICE, 12-15;

“and a driver stage which drives a display responsive to the increased frame rate video signal”, see Fig. 1 item TO FLAT PANEL MONITOR, Figs. 2, 7;

the reference differs from the claimed invention in that it does not specify a shared picture storage device (memory) for being used simultaneously by multiple devices; however, random access memories allowing plural simultaneous read/write operations are notoriously well-established in the art, and it would have been clearly obvious to one of ordinary skill in the art to consolidate such storage onto a single storage device for saving in space/resources and the flexibility that such storage would offer. The reference differs also from the claimed invention in that it does not specify that the FRAME RATE MODULATOR (the second device) produces an increased frame rate; however, frame rate modulator that produces an increased frame rate is notoriously well known well in the art, as evidence see Kotha at Fig. 4 item 464 and col. 7 lines 46-52; an artisan would be motivated to combine the references to arrive at the claimed invention, this combination would compensate for differences in refresh rates between an input signal and an output signal. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

**Claim 8** is rejected for the same reasons as claim 1.

**Claim 15** is rejected for the same reasons as claim 1.

3. Claims 3-7, 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evanicky et al (US 2004/0036708) in view of Kotha et al (US 6,219,040) and further in view of Reitmeier (US 6,549,240).

Claim 3:

The limitation of claim 3 that further limits claim 1 is not explicitly disclosed by the above combination. However, Reitmeier disclosed the claimed invention, see Reitmeier at col. 5 lines 26-51. An artisan would be motivated to combine the references to arrive at the claimed invention, this combination would provide frame rate conversion in a multiple format video processing system adapted to avoid display motion artifacts. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

Claims 4, 5 are disclosed, see Reitmeier at col. 4 line 58 to col. 5 line 18.

Claim 6 is disclosed, see Reitmeier at col. 4 lines 47-60.

Claim 7:

the claimed "a least one input stage for receiving compressed picture data from at least one transmission medium; and at least one decoding unit for converting the picture data into digital pixel data of an overall data stream which is fed to the first device" is met, see Reitmeier at Fig. 1 item 104-108, col. 3 lines 27-29, 60-62.

Claims 10-14 are rejected for the same reasons as claims 3-7.

### ***Response to Arguments***

4. Applicant's arguments have been fully considered but are moot in view of the new ground of rejection necessitated by the amendment.

### **Conclusion**

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean W. Désir whose telephone number is (571) 272 7344. The examiner can normally be reached on 5/4/9 - First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272 7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*JWD*

Jun. 29, 05



JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600